

#### § 402.4

transportation on water, except a vessel owned or employed by the Manager or the Corporation.

*Volume rebate* means a percentage reduction, as part of an initiative program, offered on applicable cargo tolls for shipments of a specific commodity above and beyond a pre-approved historical maximum volume.

[66 FR 15329, Mar. 16, 2001, as amended at 71 FR 14807, Mar. 24, 2006; 72 FR 4431, Jan. 31, 2007; 74 FR 10678, Mar. 12, 2009; 78 FR 19106, Mar. 29, 2013]

#### § 402.4 Tolls.

(a) Every vessel entering, passing through or leaving the Seaway shall pay a toll that is the sum of each applicable charge in § 402.10. Each charge is calculated based on the description set out in column 1 of § 402.10 and the rate set out in column 2 or 3.

(b) The toll is assessed against the vessel, its cargo and its passengers for a complete or partial transit of the Seaway and covers a single trip in one direction.

(c) The toll is due from the representative of the vessel within 45 days after the day on which the vessel enters the first lock of a transit of the Seaway.

(d) The two (2) incentive programs, New Business and Volume Rebate, are exclusive and cannot be applied at the same time on the same cargo movement.

[66 FR 15329, Mar. 16, 2001, as amended at 71 FR 14807, Mar. 24, 2006; 74 FR 10679, Mar. 12, 2009]

#### § 402.5 New Business Incentive Program.

(a) To be eligible for the rebate applicable under the New Business Incentive Program, a carrier must submit an application to the Manager for the proposed commodity/origin/destination combination to be approved and accepted under the rules of the New Business Incentive Program promulgated and administered from time to time by the Manager.

(b) Containerized cargo, whatever the origin or destination, moved by a vessel in the Seaway at any time in the current navigation season qualifies as New Business.

(c) A commodity/origin/destination combination that qualifies as New

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Business after the 30th day of September in any navigation season continues to qualify as New Business in the two consecutive navigation seasons; and

(d) A commodity/origin/destination combination that qualifies as New Business after the 30th day of September in any navigation season continues to qualify as New Business in the three consecutive navigation seasons immediately following the then current navigation season.

[74 FR 10679, Mar. 12, 2009, as amended at 78 FR 19106, Mar. 29, 2013]

#### § 402.6 Volume Rebate Incentive program.

(a) To be eligible to the Volume Rebate Incentive program:

(1) A shipper/receiver in the Great Lakes/St. Lawrence Seaway System must submit to the Manager for approval, before June 30th of every season, the commodity, as defined under the Manager's commodity classification, for which a Volume Rebate is sought, the origin or destination of the commodity, and a proof of the maximum volume of the commodity the shipper/receiver has shipped over the last 5 years from that origin or to that destination.

(2) The shipper/receiver must already move the commodity, as defined under the Manager's commodity classification, through the Seaway at a minimum of 100,000 tonnes per season for the past five navigation seasons.

(b) Once approved by the Manager, the maximum volume will become the basis on which to calculate the incremental volume.

(c) The Volume Rebate Incentive program is not accessible at the end of the navigation season without a pre-approved maximum volume within the set deadline.

(d) The same cargo volume can only be used by one shipper/receiver.

(e) For the Volume Rebate to be applicable, the total volume of the commodity shipped through the Seaway must also increase during the navigation season.

[74 FR 10680, Mar. 12, 2009]